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FM AMEMBASSY ASTANA  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 6126  
INFO RUCNCIS/CIS COLLECTIVE 1890  
RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE  
RUEHZL/EUROPEAN POLITICAL COLLECTIVE  
RUEHBJ/AMEMBASSY BEIJING 1260  
RUEHKO/AMEMBASSY TOKYO 1958  
RUEHUL/AMEMBASSY SEOUL 0917  
RUCNDT/USMISSION USUN NEW YORK 2451  
RUEHNO/USMISSION USNATO 2766  
RUEAIIA/CIA WASHDC  
RHEFAAA/DIA WASHDC  
RHEHNSC/NSC WASHDC 1447  
RUEKJCS/SECDEF WASHDC 1343  
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TAGS: [PHUM](#) [PREL](#) [PGOV](#) [KDEM](#) [KZ](#)

SUBJECT: KAZAKHSTAN: COMMITTEE FOR NATIONAL SECURITY COMMENTS ON  
APPEAL BY JAILED JOURNALIST

REFTEL: ASTANA 351

¶1. (U) Sensitive but unclassified. Not for public Internet.

¶2. (SBU) On August 29, the Chairman of Kazakhstan's National Security Committee (KNB), Amangeldy Shabdarbayev, issued a highly unusual public statement regarding the case of Ramazan Yesergepov -- the Kazakhstani journalist sentenced to three years in prison for publishing classified documents (reftel). Shabdarbayev's comment might have been motivated by an August 11 statement by the Organization for Security and Cooperation in Europe (OSCE) Representative on Media Freedom, Miklos Haraszti, among others.

¶3. Post's informal translation of the text of the statement follows:

BEGIN TEXT: No official, including the KNB Chairman, is entitled to interfere or give any guidance to investigators concerning a criminal case, and moreover, to impact court proceedings.

As the Chairman of a special state agency, I have never allowed myself to influence, in any way, any investigation for the sake of personal or corporate interests, or to interfere with, or regulate, an investigation.

As for Ramazan Yesergepov's criminal case, I absolutely did not have any wish, or grounds, to take it under "special control." That person knowingly violated the law and was held liable. It was only the court, not the Chairman of the KNB, that determined whether he was guilty or not. Investigators collected evidence of violation of the law by Yesergepov, and the court found the evidence sufficient for issuance of a sentence. The investigation was done under prosecutors' control.

I state with all responsibility that no "miscarriages" of the law or of justice by the Zhambyl Region's KNB officers were disclosed by prosecutors or by internal security officers. A KNB Department officer, B.A.Zhanuzakov, who was involved in the actions that resulted in divulgence of classified information, was sentenced to nine years in prison.

A change of classification of the publicized documents cannot affect the court ruling, and, moreover, it cannot be done pursuant to the requirements of the law "On State Secrets."

If Yesergepov disagrees with the sentence, the appeal procedure is spelled out in the law. END TEXT.

¶4. (SBU) COMMENT: The KNB typically focuses on cases involving state security, such as terrorism and extremism, but has played a

particularly active role in Yesergepov's case. The documents that Yesergepov published belonged to the KNB, and it was widely perceived that the KNB controlled the case until Yesergepov's conviction. It is unclear whether the KNB Chairman was ordered to comment because the case has generated so much attention from the media, civil society, and international community. The statement represents an unusual step and one that demonstrates that even government hardliners can be made to respond to international criticism. END COMMENT.  
HOAGLAND